

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JACKIE LEE MACK,

Petitioner,

v.

CASE NO. 06-10639

HONORABLE LAWRENCE P. ZATKOFF

KURT JONES,

Respondent.

\_\_\_\_\_ /

**ORDER DENYING LEAVE TO PROCEED *IN FORMA PAUPERIS***  
**ON APPEAL AND DENYING CERTIFICATE OF APPEALABILITY**

Petitioner Jackie Lee Mack has appealed the Court's Opinion and Judgment denying his habeas corpus petition. Currently pending before the Court are Petitioner's Application to Proceed *In Forma Pauperis* on Appeal [dkt 33] and Motion for Certificate of Appealability [dkt 34]. After a thorough review of Petitioner's submissions, the Court finds that Petitioner's appeal would be frivolous. *Hence v. Smith*, 49 F. Supp. 2d 547, 549 (E.D. Mich. 1999).

Accordingly, Petitioner's Application to Proceed *In Forma Pauperis* on Appeal and Motion for Certificate of Appealability are DENIED.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff

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LAWRENCE P. ZATKOFF

UNITED STATES DISTRICT JUDGE

Dated: February 22, 2008

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on February 22, 2008.

s/Marie E. Verlinde

Case Manager

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